IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 4163 of 2005

Between:

Ravi Ramanjaneyulu, D.No. 2/54, 8th ward,

Pothavaram,Pedacharlapalli Mandal,

Prakasam District , Andhra Pradesh,

rep. by its Proprietor Mr. Ravi Ramanjaneyulu

S/o Gangaiah, aged 21 years.

..... PETITIONER

AND

1. The Commercial Tax Officer, Markapur Circle, Markapur.
2. The Assistant Commercial Tax Officer, O/oThe Commercial

Tax Officer, Kanigiri,
Markapur Circle, Markapur

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of Mandamus declaring the action of 1st respondent herein in non issuance of way bill in terms of application letter dt. 23-2-2005 as without authority of law, arbitrary, improper ultra vires the Rule 45 of the APGST Rules, 1957 in the

teeth of the judgment of this Honourable High Court as well as the Honourable Apex Court violating articles 227 and 141 of the Constitution of India directing the respondent to issue the waybills for use under the APGST and as requisitioned by the petitioner.

Counsel for the Petitioner: MR.M.V.J.K.KUMAR

Counsel for the Respondents .: GP FOR COMMERCIAL TAX

The Court at the stage of admission made the following :

<u>O R D E R (Per TCSR,J)</u>

Petitioner who has applied for supply of hundred waybills after having paid the requisite fees payable for the said purpose, when he is not supplied with the waybills, approached this Court under the instant writ petition seeking a direction to the 1st respondent.

2 . After having heard the learned counsel for the petitioner, the learned Special Standing Counsel for Commercial Taxes sought for time to obtain necessary instructions from the respondents. Accordingly the writ petition stood adjourned to this day for the said purpose.

3. The learned Special Standing Counsel represents in unequivocal terms that twenty waybills have already been supplied to the petitioner, as per the instructions and represents further that the officers would supply the balance waybills within a period of fifteen days from today and he will instruct the respondents accordingly for the said supply.

4. Since it is a case of fiat accompli, recording the representation of the learned Special Standing Counsel for Commercial, we dispose of the writ petition without any costs.

M.H.S.ANSARI,J

T.CH.SURYA RAO,J

Avs/rns

Date:10.03.3005

To

1. The Commercial Tax Officer, Markapur Circle, Markapur.

2. The Assistant Commercial Tax Officer, O/oThe Commercial

Tax Officer, Kanigiri,
Markapur Circle, Markapur

3. GP for Commercial Tax, High Court Buildings, Hyderabad

(OUT)

4. 2 CD copies.